

REMARKS

Reconsideration and removal of the grounds for rejection are respectfully requested. Claims 8-12 were in the application, claim 8 has been amended.

Claim 8 has been amended to clarify language, remove unnecessary reference numbers, and to make clear that the movable wing is formed by a first panel and a second panel, coupled together and fastened in a facing relation on opposite sides of a frame. As this amendment merely clarifies the claim in a way which does not necessitate a new search, entry is proper and is requested. More particularly, entry of the amendment moots the rejection of claims 8-12 as being anticipated by Mattson, and so places the application in condition for allowance.

Entry is proper in accordance with MPEP 714.12:

"Any amendment that will place the application either in condition for allowance or in better form for appeal may be entered. Also, amendments filed after a final rejection, but before or on the date of filing an appeal, complying with objections or requirements as to form are to be permitted after final action in accordance with 37 CFR 1.116(b)"

As claim 8 has been amended to clarify the claim, while also distinguishing from the prior art as explained below, entry is clearly proper.

Claims 8-12 were rejected as being anticipated by Mattson, U.S. Patent no. 4,967,645.

"The term "anticipation" in patent usage means that the invention was previously known to the public; that is, that it previously existed in the precise form in which it is claimed, including all of the limitations in the claim." SmithKline Beecham Corp. v. Apotex Corp., 439 F.3d 1312, 1324 (Fed. Cir. 2006) (Emphasis Added.)

"A claim cannot be 'anticipated' by prior art that does not have all of the limitations in the claim." Helifix Ltd. v. Blok-Lok, Ltd., 208 F.3d 1339, 1346 (Fed. Cir. 2000) SmithKline Beecham Corp. v. Apotex Corp., 439 F.3d 1312, 1324 (Fed. Cir. 2006)

Anticipation requires strict identity, without guessing what the reference discloses. Dayco Products, Inc. V. Total Containment Inc., 329 F.3d 1358 (Fed. Cir. 2003).

The Examiner believed that each of the doors 61 and 62 in Fig. 1 meet the limitations of claim 8 defining a movable wing. However, the construction of these doors is not provided in the specification, and more is needed to anticipate than simply referring to these as having a swinging path. There is nothing anywhere in the patent which confirms that all the limitations of claim 8 relative to the movable wing are found in Mattson. Moreover, this lack of description is mute testament that the doors do not perform the same function as the panels in the applicants invention, which further require "movable wing being formed by a first panel (3a) and a second panel (3b), coupled together and fastened in a facing relation on opposite sides of a frame (6), the first panel and the second panel being located at a prefixed distance relative to each other to form an intermediate space (11) therebetween, a flow of purified air (F) being circulatable therethrough". It is quite clear that the cited reference has no movable wing structure, as described by claim 8.

As each and every element of claim 8 is not found in the cited patent, claim 8 and the claims depending therefrom are not anticipated thereby.

Based on the above amendments and remarks, favorable consideration and allowance of the application is respectfully requested. However should the examiner believe that direct contact with the applicants' attorney would advance the prosecution of the application, the examiner is invited to telephone the undersigned at the number given below.

Respectfully submitted,

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